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Senate Judiciary Committee

SENATE BILL 30(JUD)

Explanation of Changes Version I to S

Page 1

Lines: 8-9

Deletes: Delinquent minors

Adds: Municipalities relating to established villages and local options.

Page 20

Section 29

Lines: 9-14

Relating to Section 29: Amends **AS 12.45.084(a) Laboratory report of a controlled substance.**

Adds: "marijuana." and "usable marijuana" with the meanings given in AS 17.38.900.

Page 21

Section 32

Removed Section 32

The previous Section 32 Amended **AS 12.55.135(j)** Sentences of imprisonment for misdemeanors, relating to bail schedules. This section was not necessary because misdemeanors listed within this legislation do not require jail time over one year, therefore a bail schedule is not required.

Page 25

Sections 42& 43

Amends AS 17.38.300 to AS 17.38.270.

Conforming new numbers after sections numbers have been changed.

Pages 25-26

Lines 23-10

Adds Section 44: AS 17.38.020: Relating to the personal use of marijuana

This section has been added to conform the intent of the ballot initiative with regard to the personal use of marijuana. This section is directly taken from the ballot initiative with minor stylistic changes.

Page 28

Section 50

Lines 2-4

Amends AS 17.38.110(a) Relating to the option for local governments.

Local governments can prohibit the operation of marijuana cultivation facilities, marijuana product manufacturing facilities, marijuana testing facilities, or retail marijuana stores through the enactment of an ordinance or by voter initiative. As provided in AS 17.38.290.

Adds language to allow for an established village to have ability to prohibit the operation of marijuana cultivation facilities

Page 29

Section 51

Amends AS 17.38.200

-In AS 17.38.200- AS 17.38.230 adds the phrase “excepts as authorized in AS 17.38.020.”

-Adds clarifying language to Subsection A.) is not a registered marijuana establishment under this chapter or acting in the person’s capacity as an officer, agent, or employee of the marijuana establishment

Amends MIM in the 1st degree sections:

Section 1 (A) Person

-Removed crime of possession of more than four ounces of marijuana from AS 17.38.200

-Removes “aggregate weight.”

- Adds “usable marijuana.”

-Manufactures a marijuana concentrate or extract using a volatile or explosive gas

(Amended from “butane hash” without a license to make clearer provisions for use of water or safe methods of creating concentrates or performing extractions.) .

Not amended MIM in the 1st degree sections:

- Delivers any amount to a person under 21 years of age

- Possess 25+ plants

Section 1 (B) Registered Marijuana Establishment

-Makes certain exceptions for a medical marijuana patient who is registered under 17.37 who is at least 18 years of age to enter a marijuana establishment and purchase marijuana.

Amends MIM in the 2nd degree sections:

Section 1 (B) Registered Marijuana Establishment

-Adds “usable” to the possession limit of 1 oz. of marijuana, subsection 7: (i)–(iii)

-Adds clarifying language to Subsection A.) is not a registered marijuana establishment under this chapter or acting in the person’s capacity as an officer, agent, or employee of the marijuana establishment

Amends MIM in the 3rd degree sections:

AS 17.38.220. Misconduct involving marijuana in the third degree.

- Removes possession of 1.01 ounces up to four ounces.

- Possession of any amount of marijuana by a person under the age of 18 is a violation.

-Removes that misconduct in this section is punishable as provided in AS 12.55 and sets a fine of \$300.

Amends MIM in the 4th degree sections:

AS 17.38.230. Misconduct involving marijuana in the fourth degree.

-Adds language to the provision regarding people over 21 and uses any amount of marijuana in a public place: except when authorized by the terms of registration issued under this chapter.

- Amends between 18-20 and uses, displays, or possesses 1 ounce or less of marijuana to any amount of marijuana.

-Removes that misconduct in this section is punishable as provided in AS 12.55 and sets a fine amount of \$100.

AS 17.38.240. Proof of registration to be exhibited on demand; penalty.

-Removes that misconduct in this section is punishable as provided in AS 12.55 and sets a fine amount of \$100.

AS 17.38.250. Bail forfeiture for certain offenses.

-Requires the court to make a bail schedule allowing defendants to pay the fine for violations without a court appearance for MIM 3rd (AS 17.38.220) and MIM 4th (AS 17.38.230.)

-Adds AS 17.38.240 Proof of registration to be exhibited on demand; penalty.

AS 17.38.260. Aggregate weight of live marijuana plants.

Removed

AS 17.38.270. Rehabilitation.

Removed

AS 17.38.280. Restriction on prosecution for certain persons in connection with a marijuana overdose.

Changes “marijuana overdose” to “significant adverse marijuana reaction”

AS 17.38.290. Forfeitures and seizures.

Removed.

Section 77 Amends AS 23.30.120(a) Presumptions.

Removed.

Section 78 Amends AS 23.30.235 Cases in which no compensation is payable.

Removed.

Section 88 Amends AS 28.15.176. Administrative revocation of license

Removed.

Section 118 Amends AS 28.35.280(a) Minor operating a vehicle after consuming alcohol.

Deletes “blood or urine.”

Section 120 Amends AS 28.35.280(d) Minor operating a vehicle after consuming alcohol.

Deletes “blood or urine.”

Section 121 Amends AS 28.35.285(a) Minors refusal to submit to chemical test.

Deletes “blood, or urine” the provision that refusal to submit to a chemical test of a person’s breath.

Section 123 Amends AS 28.35.285(d) Minors refusal to submit to chemical test.

Deletes “blood or urine.”

Section 132 Amends AS 33.30.015(a) Living conditions for prisoners.

Adds “possession” so the commissioner of corrections can limit using, possessing or consuming marijuana or marijuana products.

Section 145 Amends AS 47.37.040 Duties of Department of Health and Social Services.

Adds DHSS must consult with the Department of Administration when establishing and conducting programs designed to deal with the problem of persons operating a motor vehicle while under the influence of an alcoholic beverage, marijuana, inhalant, or controlled substance.

Section 160

Removes 17.38.020 from the repealed statutes and adds AS 12.555.135(j) to the list of repealed statutes.